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NUV 17 2004

TECHNOLOGY CENTER 3600

In re application of
Robert Indech
Application No. 10/735,406
Filed: December 12, 2003
For: APPARATUS AND METHOD FOR
FACILITATING NUCLEAR FUSION

: DECISION ON PETITION
: TO MAKE SPECIAL
: (ENERGY)

This is a decision on the petition filed December 12, 2003 under 37 CFR 1.102 (c) to make the above-identified application special under the procedure set forth in MPEP 708.02, Section VI: Energy.

A grantable petition to make an application special under 37 C.F.R. 1.102 (c), MPEP 708.02, Section VI for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources must be accompanied by statements under 37 CFR 1.102 by applicants or their attorney explaining how the invention materially contributes to category (A) or (B) set forth above.

Applicant states that "(t)he present invention provides an apparatus and method for facilitating nuclear fusion, wherein micro-scale, controlled hydrogen nuclear fusion is promoted on and over a geometrically-enhanced reacting surface comprising a plurality of cone-shaped structures (or other sharply-pointed structures, or protrusions comprising apexes) extending therefrom, and where the "multi-cone" reacting surface is manufactured from a suitable material having a particular affinity for deuterium ions to preload themselves thereon and between the lattice interstices thereof."

For the above stated reasons, the petition is GRANTED.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.



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KJD/rwg: 8/26/04